

**STEPHEN D. DEMIK**  
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Attorneys for Mr. Moreno, Jr.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
(HONORABLE ROGER T. BENITEZ)

|                            |   |                                   |
|----------------------------|---|-----------------------------------|
|                            | ) | CASE NO. <b>08CR0546-RTB</b>      |
|                            | ) |                                   |
| UNITED STATES OF AMERICA,  | ) | DATE: June 2, 2008                |
|                            | ) | TIME: 2:00 p.m.                   |
| Plaintiff,                 | ) |                                   |
|                            | ) | NOTICE OF MOTIONS AND             |
| v.                         | ) | MOTIONS:                          |
|                            | ) |                                   |
|                            | ) | (1) TO COMPEL SPECIFIC DISCOVERY; |
| <b>ARTURO MORENO, JR.,</b> | ) | (2) SUPPRESS IMPERMISSIBLY        |
|                            | ) | SUGGESTIVE IDENTIFICATION;        |
| Defendant.                 | ) | (3) SUPPRESS EVIDENCE SEIZED IN   |
|                            | ) | VIOLATION OF THE FOURTH           |
|                            | ) | AMENDMENT;                        |
|                            | ) | (4) DISMISS INDICTMENT DUE TO     |
|                            | ) | IMPROPER GRAND JURY               |
|                            | ) | INSTRUCTION; AND                  |
|                            | ) | (5) FOR LEAVE TO FILE FURTHER     |
|                            | ) | MOTIONS                           |

TO: KAREN HEWITT, UNITED STATES ATTORNEY, AND  
RANDY JONES, ASSISTANT UNITED STATES ATTORNEY:

PLEASE TAKE NOTICE that on June 2, 2008, at 2:00 p.m. or as soon thereafter as counsel may be heard, the defendant, Arturo Moreno, Jr., by and through his counsel, Stephen D. Demik and Federal Defenders of San Diego, Inc., will ask this Court to enter an order granting the following

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1 motions.

2 **MOTIONS**

3 The defendant, Arturo Moreno, Jr., by and through his attorneys, StephenD. Demik and  
4 Federal Defenders of San Diego, Inc., pursuant to the United States Constitution, the Federal Rules  
5 of Criminal Procedure, and all other applicable statutes, case law and local rules, hereby moves this  
6 Court for an order:

- 7 (1) To Compel Specific Discovery;  
8 (2) Suppress Identification;  
9 (3) Suppress Evidence Seized in Violation of the Fourth Amendment;  
(3) Dismiss Indictment Due to Improper Grand Jury Instruction; and  
(4) for Leave to File Further Motions

10 These motions are based upon the instant motions and notice of motions, the attached  
11 statement of facts and memorandum of points and authorities, and all other materials that may come  
12 to this Court's attention at the time of the hearing on these motions.  
13

14 Respectfully submitted,

15  
16  
17 Dated: May 20, 2008

**STEPHEN D. DEMIK**  
Federal Defenders of San Diego, Inc.  
Attorneys for Mr. Moreno